

REMARKS

By the present Office Action, the Examiner has rejected claims 12-13 and 18 under 35 U.S.C. § 103(a) as obvious over Horrер in view of Joong. Claims 14-17 have been rejected under 35 U.S.C. § 103(a) as obvious over Horrер in view of Joong and Schmid. Claims 19 and 20 have been rejected under 35 U.S.C. § 112, second paragraph, for informalities.

Claims 12-20 are now in the application. Claims 19 and 20 have been amended. Reconsideration of the rejections of claims 12-20 are respectfully requested.

Claim 12 has been rejected under 35 U.S.C. § 103 as obvious over Horrер in view of Joong. The Examiner's rejection is respectfully traversed.

Claim 12 recites the following:

12. A method of forwarding a data message to a vehicle, comprising:
 registering a user's cellular identity as present aboard a vehicle;
 receiving a data message intended for the cellular telephone associated with the user's cellular identity, the data message including at least a first address and a data packet, the first address being associated with the user's cellular identity;
 associating the data packet with a destination address, the destination address representing a wireless node aboard the vehicle; and
 forwarding the data packet to the vehicle consistent with the destination address.

In comparing the above claim language, the Examiner had identified only one limitation which is present in the primary Horrер reference - the "registering a user's cellular identity as present aboard a vehicle." The remaining language (over 80% of the total body of the claim) is directed to the data message and the data packet, which the Examiner acknowledges is missing from the disclosure of the Horrер reference.

What is lacking from Horrer is simply not found in the secondary reference, Joong. As pointed out by the Examiner, Joong shows the transmission of data packets over a packet switched network. Joong does not teach or suggest sending the data packet toward a wireless node aboard a vehicle, how this would be done, or how Horrer would be modified to accomplish that goal.

As best understood, the Examiner is of the opinion that because Horrer teaches the manipulation of an incoming call in a certain manner, then it would be obvious to treat a data message or a data packet in that same manner. Such semantic substitution of "call" with "data message" is an improper application of an obviousness analysis. The issue is one of technologies, not semantics. The fact that a call is treated a certain way does not suggest, or even motivate, one of skill in the art to treat a data message the same way. Indeed, as summarized in the first full paragraph of page 6 of the application, call routing and data routing require different technologies which precludes the simple substitution, which is the basis of the Examiner's rejection. Thus, Horrer and Joong are not combinable in the manner suggested by the Examiner, and the fact that there is generic motivation of interest in receiving messages in contained areas does not provide any specific motivation to modify Horrer in the manner suggested by the Examiner.

Accordingly, claim 12 recites a combination of features which is neither taught nor suggested by the cited art. Withdrawal of the rejection of claim 12 and allowance of the same is therefore respectfully requested.

Claims 13 and 18, which depend from claim 12, have also been rejected under 35 U.S.C. § 103(a) as obvious over Horrer in view of Joong. For at least the reasons advanced with respect to claim 12, these dependent claims are likewise patentably distinct over the cited art.

Withdrawal of the rejection of these dependent claims and allowance of the same is therefore respectfully requested.

Claims 14-17, which depend from claim 12 (either directly or through intervening claims), have been rejected under 35 U.S.C. § 103(a) as obvious over Horrer in view of Joong and Schmid. The addition of the Schmid reference does not provide what is lacking from the primary and secondary reference. To the contrary, it continues with the inaccuracy of treating a call as something that is technologically interchangeable with a data packet -- which it is not. Thus, for at least reasons that parallel those with respect to claim 12, dependent claims 14-17 are likewise patentably distinct over the cited art. Withdrawal of the rejection of claims 14-17 and allowance of the same is respectfully requested.

Claims 19 and 20 have been rejected under 35 U.S.C. § 112 as being indefinite for depending from claim 8, which is not a pending claim. This was a typographical error, and claims 19 and 20 have been amended to correct their dependency to claim 18. In view of those amendments, claims 19 and 20 have proper dependency. Withdrawal of the rejection and allowance of these claims is therefore respectfully requested.

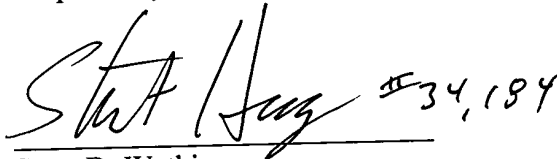
In view of the foregoing, the application is now believed to be in proper form for allowance, and a notice to that effect is earnestly solicited.

If a telephone conference would be of value, the Examiner is requested to call the undersigned attorney at the number listed below.

USHER et al.
Patent Appln. No. 09/833,594

The Commissioner is hereby authorized to charge/credit any fee deficiencies or
overpayments to Deposit Account No. 19-4293 (Order No. 11696.0056).

Respectfully submitted,

 #34,184

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